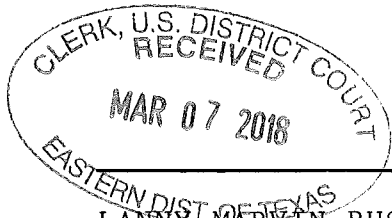


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION



LANNY MARVIN BUSH
PLAINTIFF

Vs.

WARDEN C.E. MONROE
WARDEN C. MEADOR
MAJOR T. FUNAI
CLASSIFICATION SUPERVISOR
MARK SANDLIN
DEFENDANTS

CIVIL ACTION NO: 6:17cv541

AMMENDEDD COMPLAINT

Plaintiff filed his Title 42 1983 Civil Rights complaint against the defendants on or about September ~~21~~²⁰th, 2017, alledging 8th Ammendment violations for Cruel and Unusual Punishment, citing in two parts, (1.) - CONDITIONS OF CONFINEMENT, and (2.)- Jeopardizing safety and Security of prison (deliberate ~~Ind. Person~~ ~~Ind. Person~~) and 14th amendment violation - Due Process.

Plaintiff now moves this Honorable Court through accompanied motion, to ammend his complaint.

I.

PARTIES

Lanny M. Bush, is at all times, the Plaintiff in this Cause incarcerated at the Mark Michael Unit, Texas Department of Criminal Justice- Institutional Division, Tennessee Colony, Texas. and has filed no other complaints or actions in this Cause No.

Defendant C.E. MONROE, is senior Warden at the Michael Unit, Texas Department of Criminal Justice-Institutional Division, 2664

F.M. 2054, Tennessee Colony, Texas 75886., and he is responsible for enforcing Policy and assuring his staff follow Policy as well, as ordering as assuring proper Safety and Conditions of Confinement are not Cruel and Unusual.

Defendant C. MEADOR, is assistant Warden at the Mark Michael Unit, Texas Department of Criminal Justice-Institutional Division, 2664 F.M. 2054, Tennessee Colony, Texas 75886., and he is responsible for Day to Day Operations - Enforcing Policy and Assuring that Staff follow Policy and Procedure concerning the Safty and Security of confinement as well as Conditions of Confinement are not CRUEL and UNUSUAL PUNISHMENT.

Defendant TODD FUNAI, is a MAJOR on the Mark Michael Unit, T.D.C.J. and he is Responsible for Day to Day Operations- Enforcing Policy and assuring that Staff follow Policy and Procedure Concerning the safety and Security of Confinement as well as Conditions of Confinement are not Cruel and Unusual Punishment. He is to ensure that Proper Investigations are conducted and performed concerning P.R.E.A. complaints and he is Responsible for ensuring that classification follows proper compatibility, concerning moves, (IN HOUSE), and all assignments... WORK, HOUSING, MEDICAL, Etc....

Defendant MARK SANDLIN, is the CHIEF SUPERVISOR, of Classification, on the Mark Michael Unit, and is responsible for proper classification concerning work assignments, Housing and custody levels, to ensure that Offenders are not in jeopardy with those of Safety and security, and is responsible to follow Classification guidelines, and enforcing and reporting proper and Legal decisions to the Wardens.

Defendants, at all times, acted under color of State Law, in their Individual and Official Capacity, to deny Plaintiff the right to a safe and secure Living Quarter(s), and Prison Condition, as well as Proper conditions of Confindment that are not Cruel and Unusual Punishment - An 8th Amendment Violation.

II. CLAIMAAMMENDMENT

Plaintiff complains of Cruel and Unusual Punishment for CONDITIONS of CONFINEMENT that Defendants refuse to correct or even acknowledge. Conditions are so criticle that conditions subject this plaintiff to irreversable Harm and Suffering.

Plaintiff asserts the following as Cruel and Unusual Punishment:

- (a.) Almost all of the cells (Housing) located ~~at the Mark Michael Unit, leak rain water directly into bedding so~~, on the Mark Michael Unit, leak rain water directly into bedding so extremely, that Offenders are literally forced to fabircate " RAIN-TENTS" to channel water away from bedding. Cells that are adjacent to showers, allow water to seep under the walls directly into the cells, between the floor and wall itself ... Common occurance during rainy days, is flooding cell floors from all the leaks.
- (b.) Over half the cells ~~have "holes" between the walls, or floors between adjacent cells or holes in floor of the ceiling.~~ have "holes" between the walls, or floors between adjacent cells or holes in floor of the ceiling.
- (c.) Crumbling structures of concrete that break off at the touch, and at times, that concrete that has fallen creates a safty hazzard.
- (d.) Rusted METAL that protrudes from walls and door facings, subjects offenders to "TETNUS" Infections.

- (e.) No screens on windows which allow insects- wasps, flies, and other stinging pests to enter cells, Mice, Rats, and ROACHES run amuck throughout this Unit. Spiders are a constant battle.
- (f.) No exhaust fan to remove excess heat from cells and to pull fresh air into the cells/ and housing areas. This is due to the vents and pipechases being stopped up due to dirt and dust.
- (g.) Showers have black mold growing on the walls, and no doors on shower stalls on H-Pod, Mold causes respiratory problems, esp on the elderly offenders on this Building. No doors or curtains causes the floors to get soaked and can and does cause serious falls. Staff refuses attempts at solving this problem.
- (h). BARE "LIVE" electrical wires hang from the shower ceilings, subjecting Offenders to electrocution.
- (i.) Only ONE shower out of three (3), has cold water. Other two only have HOT water.
- (j). Approximately 3/4th of cell doors DO NOT LOCK. and can be opened by offenders with only their I.D. Cards. Security doors can be stopped and opened just by holding in place. Numerous locker doors are missing off cell lockers so, Offenders can not lock up their personal property..also, missing locker doors can and does institute a lethal weapon.
- (k.) All dayrooms ~~in Building 7 and Building 8~~, do not have any way to remove extreme HEAT and stale air, No FRESH air is allowed inside the sections. Floor fans are used on a constant basis.

- (l.) Offenders, who have contracted STAPH, SHINGLES, RINGWORMS, or other contagious diseases, are always returned to the living quarters instead of being "Quarentined".
- (m.) Plumbing in the pipechases has deteriorated into piles of rust. Electrical outlets are black with soot from short circuits - majority are missing covers and outlet themselves either don't work or cause power to go out.
- (n) Chowhall floors are constantly covered in standing water from dishroom, creating very slippery hazzards.

III.

SAFTY AND SECURITY

Defendants created the issue at hand, by reassigning MEDIUM Custody (G-4) to a MINIMUM Security building... Building seven (7), Then reassigning GENERAL POPULATION, MINIMUM CUSTODY OFFENDER'S to a designated MINIMUM SAFE-KEEPING Section.

Meanwhile, placing those other safe-keeping (Minimum CUSTODY P-2's custody offenders on TRANSIT CUSTODY OVER-FLOW" on the DISCIPLINARY Building, EIGHT BUILDING (8). Safe-keeping P-2 Minimum Custody on "overflow" do not have privileges that other minimum custody P-2 offenders have, due to their "housing" status and assignment.

(i.e. "TRANSIT CUSTODY OVERFLOW." Among these privileges, we get very little "OUTSIDE " recreation, and absolutely NO TELEPHONE PRIVILEGES FOR APPROXIMATELY 30 DAYS. " Offender is "suspended" while housed on TRANSIT CUSTODY OVERFLOW on 8 Building."

- (b.) CLASSIFICATION and MARK SANDLIN, created the "TRANSIT Custody Overflow for safe-keeping Offenders. He done this to PUNISH SAFEKEEPING OFFENDERS. Restricted Offenders on Medical, who are restricted to "BOTTOM ROW, BOTTOM Bunk, "due to medical

reasons, are especially vulnerable. Every 30 days, only CERTAIN
OFFENDERS ARE SENT PACKING TO 8 BUILDING, TRANSITCUSTODY OVERFLOW.

IN 30 days, these same offenders are sent back to 7 building and another group of the same offenders are sent to 8 building. For 30 days, (As a MINIMUM), we are denied access to our families by way of the telephone. Many family members have called the Warden's Office to lodge complaints about this practice only to be ignored.

The wardens get reports from Classification that all living areas are in compliance and they definitely arent. Instead, every safekeeping offender is in jeopardy of assault and injury ..

By allowing General Population offenders to have complete access to all safekeeping living areas. Officers working each pod have literally no "VISUAL" aid to determine who is safekeeping and who is general population. And furthermore, they simply do not care.

(c). Offenders assigned to "CUSTODY OVER-FLOW" have to suffer any and all rule violations of close and medimum custody offenders and their actions.

These actions by close and medimum custody offenders normally require a general lockdown of the entire building. That will include "TRANSIT CUSTODY OFFENDERS" who are MINIMUM CUSTODY, getting punished for nothing that is not in their control.

(d.) ADMINISTRATION - Regularily allow (with no attempt to correct,) General Population to enter the SAFE-KEEPING living areas as S.S.I.'s (janitors). Those janitors will harrass, bully, extort, and sexually assault safekeeping offenders, when their are janitors on safekeeping who are assigned to these living quarters and living areas such as dayrooms.

(e.) CLASSIFICATION- allows the mixing of Custody levels or "OVERFLOW" as MINIMUM P-2's and MEDIUM P-4's, live on the very same section without any PHYSICAL SEPARATION as is defined by general code and Policy. Unit Administrators have ~~not~~ received complaints about MEDIUM CUSTODY P-4's being housed on Transit custody overflow housing areas without the separation and refuse to correct the problems this causes on a daily basis.

MEDIUM CUSTODY Offenders are those that have disciplinary issues and loss of good-time as well as their class level. According to Unit-Huntsville Policy, TEX. GOV. CODE, 501-112, Its against Policy to house different custody levels on the very same section. This is also dangerous for Minimum custody offenders, as problems escalate with close custody and medium custody on almost a daily basis.

On SEPTEMBER 30th, 2017, CLASSIFICATION assigned a P-2, MINIMUM CUSTODY OFFENDER, to a cell with a MEDIUM CUSTODY P-4 Offender on 8 building, One section. When brought to the attention of the 8 building Lt., Lt. ADAMS, he just shrugged and said "It'll be okay." A very short time later, a SEXUAL ASSAULT was filed by the P-4 offender, claiming that he was sexually assaulted by the P-2 offender. Once investigated, allegations of sexual assault were found to be un-true. The P-4 Offender just wanted to be moved so, he filed a bogus charge against a P-2 Offender.

Administration created this situation and compromised the safety and security of both P-2 and P-4 Offenders.

Had Classification done the proper job, they would have recognized the error that was made.

Defendants did not enforce their own policies, just shrugged it off. A PHYSICAL BARRIOR is suppose to be put up between the different custody levels at all times. - Unless any P-2 custody offenders were not placed on a high security building on Transit custody over-flow.

**** SEE ENCLOSED STATEMENT BY P-2 OFFENDER TOMMY THORP.

Defendants Monroe, MEADOR, and FUNAI, have resorted back to the BUILDING TENDER Days, of 1970-1980, mentality, of allowing S.S.I.'s, or Janitors, to have power and control over other offenders. Staff will generally allow S.S.I.'s / Janitors, to have "HOT" meals when the rest of the Unit and or buildings are having sack lunches. Staff will generally use S.S.I.'s- Janitors, as messangers between officer to Officer, or Officers to Offenders, Staff allows s.s.i.'s on 8 buildings to handle and know VITAL important Offender information on a daily basis.

Staff even allows S.S.I.'s to pack and inventory Offender property without any supervision at all... This is a clear breach of Unit Policy. NO OFFENDER IS TO HAVE CONTROL OR POWER OVER ANOTHER OFFENDER. S.S.I.'s / Janitors generally have SPECIAL Housing assignments as well as Job Assignments.. or they are allowed SPECIALMOVES to accomadate them just because they are "workers".

General Population offenders can move from building to building, from "A" Side to "B" Side, from High Security to Safe-Keeping with just a broom in their hands... Security is extremely soft! getting into and Out of 8 building High Security building/ front door is the easiest thing in the world... Anyone can come and go almost as they please.

14th AMMENDMENT

DUE PROCESS - EQUAL PROTECTION-

Defendants regularly DENY offenders the opportunity to grieve issues on the Michael Unit. Unit Administration believes that if an issue is presented to the grievance Office ONCE, that it can no longer be re-addressed. No matter how many times Plaintiff's rights are violated or subjected to harm.

Plaintiff has attempted to show that certain officers repeatedly violated Policy by allowing G.P. to come on a safe-keeping living area or quarters. They have SAFE-KEEPING S.S.I.'s/JANITORS assigned to safekeeping living quarters. Safekeeping Janitors or S.S.I.'s are not allowed to go onto a General Population housing

wing without supervision... Why should General Population be allowed onto safekeeping housing quarters?

Plaintiff can give exact date/times and locations of this blatant activity. Grievances have been filed on this only to have the response returned, "Grievance was investigated and no evidence was found to support." Not one witness was spoken to, nor, was any "VIDEO CAMERA" viewed.

** See OFFENDER GRIEVANCE MANUAL - APPENDIX B - Marked as exhibit A...**

There lies no other recourse ... Defendants by NOT investigating grievances, are NOT addressing repeated violations. Violation of Plaintiff's Constitutional Rights, of the 14th Ammendment.. (Due Process, Equal Protection) Defendants have acted under color of State Law, In their Individual and Official capacity to Violate Plaintiff's right.

In 2007, the 80th Legislature created P.R.E.A., as an avenue to report Sexual Assault, Harrassment, a resolution to complaints. The policy as stated, that T.D.C.J.-I.D. has ZERO Tolerance for sexual assault/ Extortion, and all forms of harrassment. However, if an Offender commits or reports to the omsbudsman, he will receive a notice that the "OMSBUDMAN DOES NOT TAKE COMPLAINTS FROM OFFENDERS" Defendants on the Michael Unit - ^{Condon} sexual Activity, by making curtosity housing changes for lovers, No disciplinary for those caught engaging in sexual acts, and by allowing known "couples" to manipulate the Unit Administration.

The Michael Unit P.R.E.A. Administration turns a "BLIND EYE" to any and all allegations, especially to those that are known "couples."

SAFE-PRISON - P.R.E.A. - is assigned an Officer who is responsible for investigating all complaints. Plaintiff has filed several complaints (* MOST HAVE BEEN IGNORED) to which no action or even reply was issued. Safe Prison is suppose to be an avenue to avoid assaults and injuries...But common practice with Safe Prisons is to ignore complaints - therefore subjecting Offenders to harm and injury.


*** NOTE: TRANSGENDER OFFENDERS ALLOWED TO WEAR "BOOTY SHORTS" AND ARE ALLOWED TO EXPOSE THEIR BREASTS IN THE DAY-ROOMS and NO ACTION IS WARRANTED BY ADMINISTRATION.

RELIEF:

Plaintiff asserts that this Honorable Court allow said action to commence. Plaintiff can and will Prove ^{THRU} ~~these~~ DISCOVERY ISSUES witness Statements, and Investigations, that this complaint has Merit and can support a Judgement.

Wherefore, Premises Considered, Plaintiff moves this Honorable Court to accept this AMMENDED COMPLAINT: Grant relief as requested, and ORDER an INJUNCTION ORDER to correct all deficiencies of LIVING CONDITIONS as well as Provide a SAFE and SECURE Atmosphere for All Safe-Keeping Offenders.

Plaintiff will forever Pray.



LANNY M. BUSH # 01917810
Michael Unit
2664 FM 2054
Tennessee Colony, Texas 75886
Pro-Se

cc: Copy/File

CERTIFICATE OF SERVICE

I, LANNY M. BUSH, Plaintiff, Certify that the attached Ammended Motion, has been properly addressed and mailed to the United States District Court, Eastern District of Texas, Tyler, Texas.

Done this 2 Day Of March, 2018.


LANNY M. BUSH, # 01917810
Michael Unit
2664 FM 2054
Tennessee Colony, Texas 75886
PRO-SE